REMARKS

Claims 1-6 and 8-14 are rejected in the current Office Action.

Claims 7, 11-12, and 15-16 are cancelled.

Claims 1-3, 6, 9, 10 and 14 are amended with this response. A support for the amendment of these claims is among others found in the specification as filed at p.3 lines 12-14 ("The first and second communication networks (..) may consist in a single bi-directional communication network"); at p. 18 lines 22-24 ("In an advantageous embodiment, the time limit for triggering the alarm is given by the expected period time increased by a duration depending on the round-trip time (..)") and in the original set of claims.

As a result, claims 1-6, 8-10 and 13-14 are submitted in this response for reconsideration.

No new matter has been added.

Rejection of Claims 1-6, 8-10 and 13-14 under 35 U.S.C. 103(a)

Claims 1-6, 8-10 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (US Patent No. 5,822,524), in view of Forecast et al. (US Patent No. 6,230,200) in further view of Sarkar et al. (US Patent 6,917,587).

The Applicants submit that claims 1-6, 8-10 and 13-14 are patentable over Chen in view of Forecast in further view of Sarkar for at least the following reasons.

The Examiner asserts that Sarkar, col. 5 lines 49-62 and col. 2 lines 59-62, and col. 4 lines 14-18, discloses the feature of previously submitted claim 1 of "*said receiving means receives a special warning message from said server via said first network when said server has not received said normal state signals in due time, and said maintenance means triggering a sending of a normal state signal to said server via said second network when said at least one special warning message is received,*".

The Applicants respectfully disagree. The cited excerpts of Sarkar do not disclose or suggest the discussed feature, nor do they disclose or suggest

the amended feature of "*said receiving means receives a special warning message from said server via said at least one communication network when said server has not received said normal state signals in due time, and said maintenance means triggering a sending of a normal state signal to said server via said at least one communication network when said at least one special warning message is received,*", nor does Sakar disclose or suggest the discussed features elsewhere. Col. 5 lines 49-62 merely discuss **playing** of a warning notification to **users** at endpoints after timer expiration. The notification prompts the **users** at the endpoints to respond. For example, the prompt may ask the **user to say a certain word** or phrase, e.g. "yes", **or press a key on a device** in response to the prompt. In one embodiment, call resource detects if the user responded correctly to the prompt with an adaptive speech recognition unit. If the user response matches a desired word or phrase call resource resets the timer and continues the call session.

It is thus clear from Sakar that it is not a receiving means that receives a special warning message. Rather, according to Sakar, a call resource **plays** a warning notification to **users**. It is clear from Sakar that it is not a maintenance means that triggers a sending of a normal state signal to a server when the special warning message is received. Rather according to Sakar, a **user acts** on a played warning notification. Unlike the claimed invention, Sakar thus requires user intervention, whereas the claimed invention functions autonomously. As is admitted by the Examiner, the feature is also not disclosed by Chen, nor is it disclosed by Forecast.

Amended claim 1 further comprises a feature of "*said due time for reception of normal state signals being given by an expected period time increased by a duration depending on a round-trip time for communication between said data requesting device and said server via said at least one communication network".* The Applicants submit that this feature is neither disclosed or suggested by any of the cited documents, neither individually nor in combination. Chen discusses col. 6 lines 9-15 sending by a client agent of commands according to the amount of data in the client's data buffer which commands influence on a transmission of a stream according to three

transmission modes (pause, normal, rush). According to col. 4 lines 33-44 Chen times the transmission of multimedia files according to a fixed rate, so that Chen's server transmits streams with a frame rate that is adapted to the display rate of the client.

In no way, Chen discloses or suggest, nor in the cited excerpts nor elsewhere, reception, generation or transmission of normal state signals, indicating a normal operation at said data requesting device as is claimed by claim 1. Rather, Chen discusses the transmission of commands for adjusting the transmission rate of a video stream, according to the amount of data in a client's reception buffer. The feature of reception, generation or transmission of normal state signals, indicating a normal operation at said data requesting device is thus not disclosed by Chen, and by consequence Chen does not disclose the feature of "*said due time for reception of normal state signals being given by an expected period time increased by a duration depending on a round-trip time for communication between said data requesting device and said server via said at least one communication network".*

The feature is also not disclosed by Forecast, that merely discusses periodic transmission of a heartbeat.

The feature is also not disclosed by Sakar, that merely discusses transmission of a user's response to a played notification.

At least the discussed features of the invention as claimed by claim 1 are also not obvious through a combination of Chen with Forecast and Sakar. Chen discusses regulation of a server's streaming rate via surveillance of reception buffer watermarks and transmission of regulation commands to the server as a function of the surveillance. Forecast discusses regular transmission or a heartbeat from stream servers to a master controller where each stream server indicates a current stream position, a stream state (pause, playing, completed) and a failure type code. Sakar discusses playing of warning notifications to users and users acting on the warning notifications. A combination of Chen with Forecast and Sakar would not have lead to something falling within the scope of the invention as claimed. Adding teachings of Forecast to Chen would add to Chen a feature of surveillance of one or more streaming servers by a master controller unit; this could be useful

to make the streaming servers more robust against failure. Adding teachings of Sakar to Chen-Forecast would add playing a warning notification to users at endpoints asking them to react to avoid interruption of streaming, which would be useful to reduce the number of unused streaming sessions.

Thus, the combination of cited documents would not have lead the skilled in the art to realize the invention.

Then, the invention would not have been obvious for the skilled in the art and the Applicants submit that claim 1 is in condition for allowance for at least the above reasons.

Claims 2-6 and 8, being dependent from claim 1, include by reference all of the limitations of claim 1. It is therefore believed that they are also in condition for allowance.

Claim 9 of data requesting process integrates similar features in terms of steps of a data requesting process as claim 1. For at least the aforementioned reasons for the similar discussed limitations of claim 1, the Applicant submits that claim 9 is also in condition for allowance.

Claim 10 of data transmitting device integrates similar features in terms of means of a data transmitting device as claim 1. For at least the aforementioned reasons for the similar discussed limitations of claim 1, the Applicant submits that claim 10 is also in condition for allowance.

Claim 13, being dependent from claim 9, includes all of the limitations of claim 9. It is therefore believed that claim 13 is also in condition for allowance.

Claim 14 of data transmitting process integrates similar features in terms of steps of a data transmitting process as claim 1. For at least the aforementioned reasons for the similar discussed limitations of claim 1, the Applicant submits that claim 14 is also in condition for allowance.

In view of the foregoing, Applicant respectfully requests that the rejections of the claims set forth in the Office Action of June 8, 2010 be withdrawn, that pending claims 1-6, 8-10 and 13-14 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

It is believed that no fees are due in connection with this response. However, if any such fees are due, please charge Deposit Account No. 07-0832.

Respectfully submitted,

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